

EXHIBIT

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OF COUNSEL
E.C. "SONNY" HORNSBY

November 7, 2005

Lea Richmond, IV
CARR ALLISON
100 Vestavia Parkway
Birmingham, Alabama 35216

RE: Makita Townsend v. Paschall Truck Lines

Dear Lea:

I am writing this letter in an attempt to provide some insight into the background of Makita, Adrian, Kavoseyae and Alonzo and to provide a basis for a potential settlement of her claims prior to litigation.

Background

Makita Townsend (23 years old) was born in Rochester, New York. She and her mother moved to Montgomery, Alabama when Makita was five years old. Makita attended Fewes Elementary School, Dalraida Elementary School, and Belgrade Junior High. After becoming pregnant with her first child, Kentarious (age 5), Makita left the public school system and began the City Program followed by Project Upward to raise her son while continuing her education. Makita is now raising her two sons, Kentarious and Adrian (age 1), working at Wal-Mart part-time, and has registered for an at-home-based college that will allow her to obtain her GED along with learning a useful trade. Makita is currently pregnant with her third child. She is trying to support her two children and preparing for her third child all while living at her mother's home. The car that she was driving at the time of the accident was given to her by her mother who tries to help as often as she can.

The wreck:

As it appears in the wreck report, Mr. Synder was preparing to make a left-hand

turn from the median of a four-lane highway. Ms. Townsend was driving down the oncoming lane when Mr. Synder proceeded to cross the oncoming lane and, therefore, blocking all lanes of travel on that side of the road. After colliding with Ms. Townsend, Mr. Synder continued driving to a gas station where he got out of his vehicle without noting any damage done. Ms. Townsend followed Mr. Synder to the gas station upon which time the police were notified.

Injuries as a result of the wreck:

Haynes Ambulance took Makita and Adrian to Jackson Hospital Emergency Room in Montgomery, Alabama following the wreck. The emergency room doctor assessed Adrian's injury to be a broken femur in his left leg. A cast was placed on Adrian's one year old frame and a pediatric specialist was notified. Since the specialist could not make it to the hospital before the following morning, he was taken to Children's Hospital in Birmingham, Alabama by ambulance. The doctors at Children's Hospital had to remove the cast and reset the leg then set another cast. Adrian had surgery where a pin was inserted in his left leg to protect the bone from breaking further. This also allowed freedom of movement as the break healed. The doctors warned Makita and Adrian's father, Adrian Judkins, Sr., that he would have to be very careful with that left leg during the recovery period since it was most susceptible to an additional break. Following the surgery, Adrian was placed in a body cast from the waist down. The cast prevented the leg from any movement that might diminish or alter the results of the previous surgery. While Adrian was in the body cast, he was irritable, uncomfortable, figidy, cantankerous, complaining, and grouchy. This added stress and strain on Makita and Adrian, Sr.. The way the cast was set it allowed only for movement from the waist up. The top of the cast irritated the skin on his back. His skin began chafing from the heat and constant rubbing of the cast. Makita also noted that when Adrian was around his cousin he would often become testy when he could not crawl to play with them and instead had to remain stationary.

Makita rode in the ambulance with Adrian, but did not concentrate on her injuries but tried to stay available. It was not until after she had been at the hospital in Birmingham before was examined for injuries. The nurses noted some tenderness in her back and referred her to her family doctor, Larry Epperson. Makita did follow up with Dr. Epperson and he did an MRI and discovered a bulging disc in her spinal column. Dr. Epperson prescribed medication and referred Makita to Jackson Hospital Rehabilitation and Physical Therapy Unit. After several weeks of therapy and medication there was no change in Makita's pain. Dr. Epperson referred Makita to Dr. Herrick, a pain specialist. Dr. Herrick prescribed Makita pain medication. Over the course of time Makita continued to experience pain and discomfort and went to the

emergency room with her back pain and was told she had to discontinue the use of her pain medication because she was pregnant with her third child. Though thrilled at having another baby, Makita is worried as her back pain is likely to increase as she progresses in her pregnancy. Makita still has no relief from her back pain and both Dr. Herrick and Dr. Epperson strongly suggested that they need to find a means of relief or they would have to consider surgery, a procedure that Makita is strongly hesitant to proceed with because of the bed-rest time and her need to be able to take care of her children and work to support them.

Kavoseyae Rodgers (age 7) was also in the car and injured in the wreck. Kavoseyae is the son of Makita's step sister, Valencia Rodgers. Kavoseyae appeared to be fine the night of the accident. As a precaution, Valencia took him to Dr. Penny White as he was having strong emotional reactions to trucks while traveling in a car. He refused to sleep alone complaining of nightmares. Dr. Penny White suggested he was suffering a severe mental trauma from the wreck and referred him to Associated Psychologists. Kavoseyae's doctor at Associated Psychologists did not note any severe trauma but the state of fear was apparent when discussing the accident.

Adrian's cousin, Alonzo Jones (age 5), was sitting in the back portion of Makita's Mitsubishi Montero beside Kavoseyae. Alonzo is the son of Anessa Judkins, Adrian's aunt. He did not go to the emergency room. However, a day or so after the accident he began complaining to Anessa of headaches and muscle spasms at which time she took him to see Dr. Penny White. Dr. Penny White prescribed Ibuprofen and warm baths for both symptoms. Alonzo is still afraid of large trucks and hesitates to get into a vehicle. He no longer rides his bicycle.

Mental Anguish, Emotional Distress and Pain and Suffering

In addition to the medical bills of \$18,211.04 - the majority of which is for Adrian-Makita and Adrian have suffered emotional distress and mental suffering:

- Inconvenience and pain of being hurt through no fault of their own. The every day hassle of moving around, going back and forth to the doctors, having to undergo surgery (Adrian), go through physical rehab and the pain associated with such a program (Makita).
- Having their normal daily routines altered considerably.

- Having to depend on family members and friends to help is stressful and demeaning.
- Receiving collection letters and bills from the healthcare providers and phone calls from billing agencies which are often times not pleasant.
- Restlessness with the children which directly caused restlessness for the parents.
- Adrian could no longer play with his friends, Alonzo no longer wants to play as he did, i.e. he doesn't feel safe riding his bicycle, and both Alonzo and Kavoseyae are afraid of getting in their parents' vehicles for the mental trauma and anguish they suffered because of this wreck.
- Adrian is not believed at this time to be able to play sports because of the damage to his leg.

Makita is suffering with back pain, pregnant and working a part-time job that causes her to stand during her shift. No matter how much she works she will never be able to undo trauma and physical pain and emotional distress her son has suffered since this wreck. Of course, Adrian's leg will not recover to the degree of flexibility and strength it was prior to this wreck.

Police Officers Investigation

There were two witnesses to the wreck, Michael Harris and James Washington, which both said that Mr. Synder, driver of the eighteen-wheeler truck, did not yield the right-of-way to Ms. Townsend therefore causing the wreck.

Mr. Jeffery Synder

Mr. Synder was an agent and/or employee of PTL Pashcall Truck Lines, Inc. and was working within the line and scope of his employment at the time of the wreck. Mr. Synder made an improper turn into the Ms. Townsend's lane of travel and/or improper turn and/or failed to yield the right of way of travel to Ms. Townsend causing a wreck to occur between the tractor-trailer truck and Ms. Townsend on March 25, 2005. Mr. Synder had a duty to obey the Rules of the Road and not cause a vehicle wreck. Mr. Synder breached this duty and it resulted in pain and suffering, surgery, mental and

emotional distress and anguish for everyone in Ms. Townsend's vehicle and others directly related to them.

Paschall Truck Lines

PTL Paschall Truck Lines, Inc. is held liable in this case for the actions of its employees and/or servant and/or agent, Mr. Synder. Paschall Truck Line, additionally, is held liable as a result of negligently hiring and/or training and/or supervising Mr. Synder. It is our belief that Paschall Truck Lines was negligent and/or wanton in the hiring and research, i.e. proper background check, conducting a proper interview, a driving history evaluation, and failing to obtain the necessary information as well as failed to give the appropriate driving test and failed to train Mr. Synder prior to his employment with them. Paschall Truck Lines owes a duty to the public to hire competent drivers and do appropriate background investigations prior to hiring. As a direct result of this failure a wreck was caused due to the driving error and fault of Mr. Synder causing damages and injuries to Ms. Townsend, Adrian Judkins, Jr., Alonzo Jones, and Kavoseyae Rodgers, not to mention their mental and emotional distress and the distress of those directly related to them. Paschall Truck Lines are responsible for training Mr. Synder to drive a tractor-trailer rig on the highways of the State of Alabama. Paschall did not properly or correctly train Mr. Synder nor did they provide him the safety information or training he needed to adequately and lawfully operate a tractor-trailer rig in the State of Alabama.

Liability

The police officer stated the fault was on Mr. Synder. There are two witnesses that stated Mr. Synder failed to yield the right of way. Because of this evidence, we feel this case could be won 9.9 times out of 10 which leaves only the amount of damages at issue.

Settlement Offer:

In an effort to get this case settled we make the following offer:

Adrian Judkins, Jr.	\$250,000
Makita Townsend	\$ 65,000
Kavoseyae Rodgers	\$ 20,000
Alonzo Jones	<u>\$ 20,000</u>
	\$355,000

Sincerely,

A handwritten signature in black ink that reads "M. Todd Wheelles". The signature is written in a cursive, flowing style.

M. Todd Wheelles, Esq.